

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, NOVEMBER 4, 2015

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHUʻE, KAUAʻI, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. CONSENT CALENDAR:

1. [C 2015-272](#) Communication (10/19/2015) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, relating to C 2015-266, a request for approval of the License Agreement between the County of Kauaʻi and the Boys & Girls Club of Hawaiʻi, for three (3) portables and a portion of the grounds immediately surrounding the portables located at the Kauaʻi War Memorial Convention Hall in Līhuʻe, as she is on the Kauaʻi Advisory Board for the Boys & Girls Club of Hawaiʻi.

E. COMMUNICATIONS:

1. [C 2015-263](#) Communication (10/02/2015) from the Assistant Chief Procurement Officer/Budget Chief, requesting Council approval to dispose of Procurement Work Folders (RFP (C4056)) and (IFB (#2872 - #2936)); Professional Services Regular (4-PROF-06/07, 1-PROF-07/08 thru 12-PROF-07/08); Professional Services Exempt (X7-PROF-05/06 thru X8-PROF-07/08); Sole Source Procurement documentation (Fiscal Year 2005-2008); Exempt Procurement documentation (Fiscal Year 2004-2008); Emergency Purchase documentation (Fiscal Year 2005-2008); Auction (SA-1-06 thru SA-3-07); and State Price Lists; pursuant to Section 46-43, Hawaiʻi Revised Statutes and Resolution No. 2008-39 (2008) as amended, which has been kept for over seven (7) years and are no longer of use or value. *(See also CR-BF 2015-35; the Budget & Finance Committee recommended approval on October 28, 2015.)*

2. [C 2015-273](#) Communication (08/27/2015) from the Chief of Police, transmitting for Council consideration, a proposed draft Bill to appropriate Criminal Assets Forfeiture funds in the amount of \$300,000 for the Kaua'i Police Department, to purchase and erect a new Kaua'i Police Activities League (KPAL) Youth Center, which will also double as an interim training facility for the Kaua'i Police Department, and to also purchase equipment for the new facility. *(Kaua'i Police Department, KPAL Youth Center/Interim KPD Training Facility – \$300,000.00) (See Proposed Draft Bill (No. 2602) and Proposed Draft Bill (No. 2603))*
3. [C 2015-274](#) Communication (10/19/2015) from Councilmember Kualii, transmitting for Council consideration, a proposal to establish barking dog nuisance regulations. *(See Proposed Draft Bill (No. 2604))*
4. [C 2015-275](#) Communication (10/20/2015) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds for the Services-Training-Officers-Prosecutors (STOP) Violence Against Women Formula Grant in the amount of \$48,595, which will be used for salaries/wages and supplies for the Domestic Violence Prosecution Unit, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the period of January 1, 2016 through November 30, 2016.
5. [C 2015-276](#) Communication (10/20/2015) from the Planning Director, transmitting for Council consideration, an amendment to Ordinance No. B-2015-797, as amended, relating to the Capital Budget of the County of Kaua'i for the Fiscal Year 2015-2016, by revising the amounts estimated in the Development Fund CIP to establish projects and expend funds received related to exactions for mitigation of the impacts from the permitted Coco Palms Resort. *(Coco Palms Resort Development Use Permit Conditions – \$110,000.00) (See Proposed Draft Bill (No. 2605))*
6. [C 2015-277](#) Communication (10/20/2015) from the Mayor, transmitting for Council consideration for inclusion in the 2016 County of Kaua'i and Hawai'i State Association of Counties (HSAC) Legislative Packages, A Bill for An Act Relating to Tort Liability, to delete the sunset provision for the liability exceptions for County lifeguards.

7. [C 2015-278](#) Communication (10/20/2015) from the Mayor, transmitting for Council consideration for inclusion in the 2016 County of Kaua'i Legislative Package, A Bill for An Act authorizing the issuance of General Obligation Bonds and making an appropriation, in the amount of \$7,150,000 for the following:
- Adolescent Treatment and Healing Center
(Construction & Site Improvements) – \$5,000,000
 - Centralized Auto Maintenance Facility
(Planning, Permitting & Design) – \$550,000
 - Kaua'i Fire Department Helicopter Hangar
(Construction) – \$500,000
 - Salt Pond Master Plan – \$400,000
 - Veterans Cemetery Facility Construction & Improvements – \$700,000
8. [C 2015-279](#) Communication (10/23/2015) from the Director of Finance, requesting Council approval, to accept and expend appropriations provided to the County of Kaua'i in the General Appropriations Act of 2015 – Act 83, SLH 2015 in the amount of \$50,000 (General Funds – Appropriation Warrant No. 60) from the State of Hawai'i for the Office of the Prosecuting Attorney Career Criminal Prosecution Unit & Victim Witness Assistance Program.
9. [C 2015-280](#) Communication (10/26/2015) from Councilmember Hooser, transmitting for Council consideration, a proposed draft Bill to amend Chapter 5A, Article 9 of the Kaua'i County Code 1987, as amended, by adding a new Section 5A-9.3, to implement a Homestead Tax Cap for owner-occupied properties that receive a homeowner exemption and for long term affordable rental properties. (***See Proposed Draft Bill (No. 2606)***)

F. LEGAL DOCUMENT:

1. [C 2015-266](#) Communication (10/01/2015) from the Director of Parks & Recreation, recommending Council approval of a License Agreement with Boys & Girls Club of Hawai'i, a non-profit Hawai'i corporation, for three (3) portables and a portion of the grounds immediately surrounding the portables located at the Kaua'i War Memorial Convention Hall in Lihu'e, Kaua'i, Hawai'i, being a portion of Royal Patent 4480, Land Commission Award 7713, Apana, Part I to V. Kamāmalu, to be used for youth-related activities in the Lihu'e area.
- License Agreement
(***Deferred October 21, 2015***)

G. CLAIMS:

1. [C 2015-281](#) Communication (10/14/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sherri Yasutake, for damage to her property, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2015-282](#) Communication (10/23/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance as subrogee for Jarod Powell, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:1. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2015-33:** on Bill No. 2597 A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND (*Puhi Road 20% County Match (Operating Budget)* - \$268,000.00) **[Approved.]**
- b. **CR-BF 2015-34:** on Bill No. 2598 A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND CIP (*Puhi Road 20% County Match (CIP Budget)* - \$268,000.00) **[Approved.]**

c. CR-BF 2015-35: on C 2015-263

Communication (10/02/2015) from the Assistant Chief Procurement Officer/Budget Chief, requesting Council approval to dispose of Procurement Work Folders (RFP (C4056)) and (IFB (#2872 - #2936)); Professional Services Regular (4-PROF-06/07, 1-PROF-07/08 thru 12-PROF-07/08); Professional Services Exempt (X7-PROF-05/06 thru X8-PROF-07/08); Sole Source Procurement documentation (Fiscal Year 2005-2008); Exempt Procurement documentation (Fiscal Year 2004-2008); Emergency Purchase documentation (Fiscal Year 2005-2008); Auction (SA-1-06 thru SA-3-07); and State Price Lists; pursuant to Section 46-43, Hawai'i Revised Statutes and Resolution No. 2008-39 (2008) as amended, which has been kept for over seven (7) years and are no longer of use or value. **[Approved.]**

d. CR-BF 2015-36: on BF 2015-06

Communication (10/09/2015) from the Director of Finance, requesting agenda time to discuss the new OPENGov subscription that allows the County of Kaua'i to improve on fiscal transparency for the public, for County Departments and its internal users, as well as to promote a better understanding of the County's overall operations. **[Received for the Record.]**

2. COMMITTEE OF THE WHOLE:**a. CR-COW 2015-13: on COW 2015-06**

Communication (10/21/2015) from Councilmember Chock, Chair of the County Manager Sub-Committee, requesting agenda time to present a preliminary briefing by the County Manager Sub-Committee. **[Received for the Record.]**

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2602\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE CRIMINAL ASSETS FORFEITURE FUND (*Kaua'i Police Department, KPAL Youth Center/Interim KPD Training Facility – \$300,000.00 (Operating Budget)*)

2. [Proposed Draft Bill \(No. 2603\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND CIP (*Kaua'i Police Department, KPAL Youth Center/Interim KPD Training Facility – \$300,000.00 (CIP Budget)*)

3. [Proposed Draft Bill \(No. 2604\)](#) – A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE IN THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BARKING DOG NUISANCE

4. [Proposed Draft Bill \(No. 2605\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND CIP (*Coco Palms Resort Development Use Permit Conditions – \$110,000.00*)

5. [Proposed Draft Bill \(No. 2606\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 9, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION 5A-9.3, RELATING TO A HOMESTEAD TAX CAP FOR HOME EXEMPTION AND LONG TERM AFFORDABLE RENTAL PROPERTIES

J. BILLS FOR SECOND READING:

1. [Bill No. 2597](#) – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND (*Puhi Road 20% County Match (Operating Budget) - \$268,000.00*) (See also CR-BF 2015-33; the Budget & Finance Committee recommended approval on second and final reading.)

2. [Bill No. 2598](#) – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND CIP (*Puhi Road 20% County Match (CIP Budget) - \$268,000.00*) (See also CR-BF 2015-34; the Budget & Finance Committee recommended approval on second and final reading.)

K. EXECUTIVE SESSION: Pursuant to Hawaii's Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

L. ADJOURNMENT.

M. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for a public hearing on the following. After the public hearing, the Council will reconvene to complete any unfinished business.

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to: <http://www.kauai.gov/Council/PublicHearings>

1. [Bill No. 2599](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kauai Fire Department, Aerial Apparatus Vehicle 10% County Match – \$71,909.00*)
2. [Bill No. 2600](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-11A.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE BENEFICIAL TAX RATE FOR PROPERTY USED FOR LONG-TERM AFFORDABLE RENTAL

N. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

***TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT:** WWW.KAUAI.GOV/WEBCASTMEETINGS.